

1AP7 Rec'd PCT/PTO 14 JUN 2006


PTO/SB/21 (09-04)

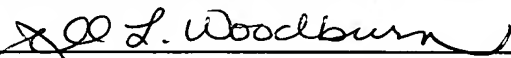
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/559,547	
	Filing Date	December 2, 2005	
	First Named Inventor	Hoenes	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	35	Attorney Docket Number	21731 US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return-Receipt postcard (1pp) Copy of the English Translation submitted on December 2, 2005, minus the claims amended under article 19 (29 pp)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	The Law Office of Jill L. Woodburn, LLC		
Signature			
Printed name	Jill L. Woodburn		
Date	June 14, 2006	Reg. No.	39,874

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: <u>Express Mail ED 305755845 US</u>			
Signature			
Typed or printed name	Jill L. Woodburn	Date	June 14, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Express Mail: ED 305755845 US

Docket No. WP 21731 US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hoenes

Application No.: 10/559547

I.A. Filing Date: June 2, 2004

**RESPONSE TO ANTICIPATED NOTICE OF MISSING REQUIREMENTS UNDER
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed April 14, 2005, submitted herewith is a copy of the a copy of the English Translation previously submitted to the (DO/EO/US) on December 2, 2005, minus the claims amended under article 19.

On December 2, 2005, the above-identified nonprovisional patent application was filed by Express Mail (Receipt No. ED 826281693 US) with an English Translation of the Int'l Application (33pp). The Notification of Missing Requirements states that the foreign application has 24 claims and the translated claims have 45.

In that regard it is noted that the German to English translation includes twenty-four (24) claims (pages 20-23) of International Patent Application No. PCT/EP2004/107970 filed on 2nd June 2004. The additional 23 claims, to which the Notification is apparently referring, are amended claims (filed in the International Office on 13th December 2004 (13.12.03), original claims 1-24 replaced by amended claims 1-23). The translation clearly states that the additional 23 claims are amended pages (article 19).

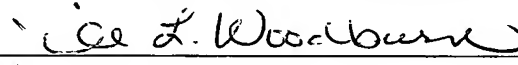
As such, the Translation of the application into English was indeed submitted to the Patent Office on December 2, 2005 (02.12.05). However, if it is deemed inappropriate to

have included the translation of the claims amended by article 19, a copy of the Translation submitted on December 2, 2005, minus the claims amended under article 19 are submitted herewith.

Since the English Translation was submitted on December 2, 2005, no fees are believed to be due at this time. However, if deemed necessary, the Commissioner is hereby authorized to charge the \$130.000 surcharge associated with the filing of the re-submitted translation, without the amended claims, and any fees which may be required or credit any overpayment to Deposit Account No. 02-2958 with reference to (21513 US), but is not to include any payment of issue fees.

Respectfully submitted,
The Law Office of Jill L. Woodburn, L.L.C.

June 14, 2006
Date


Jill L. Woodburn
Registration No. 39,874

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05/19/2006 MAYPRCH 00000111 022958 10559547

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/559,547	Joachim Hoenes	WP 21731 US

INTERNATIONAL APPLICATION NO.

PCT/EP04/05924

I.A. FILING DATE	PRIORITY DATE
06/02/2004	06/06/2003

32842

THE LAW OFFICE OF JILL L. WOODBURN, L.L.C.
 JILL L. WOODBURN
 128 SHORE DR.
 OGDEN DUNES, IN 46368

CONFIRMATION NO. 9151

371 FORMALITIES LETTER



OC000000018514811

Date Mailed: 04/14/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/02/2005
- Copy of the International Search Report filed on 12/02/2005
- Copy of IPE Report filed on 12/02/2005
- Copy of Annexes to the IPE filed on 12/02/2005
- Copy of Article 19 Amendments filed on 12/02/2005
- Information Disclosure Statements filed on 12/02/2005
- Oath or Declaration filed on 01/13/2006
- Request for Immediate Examination filed on 12/02/2005
- U.S. Basic National Fees filed on 12/02/2005
- Priority Documents filed on 12/02/2005
- Specification filed on 12/02/2005
- Claims filed on 12/02/2005
- Abstracts filed on 12/02/2005
- Drawings filed on 12/02/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - foreign application has 24 claims, translated claims have 45. Original claims as filed needs to be

submitted

- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$-1120** for a Large Entity:

- **\$130** for English translation surcharge required.
- The translations of Annexes are canceled since the translations were not submitted prior to 30 months from the priority date.

(A previous payment of **\$1250** will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/559,547	PCT/EP04/05924	WP 21731 US